



Minutes

**BRYAN BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MONDAY, APRIL 23, 2012 – 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

On the 23rd day of April, 2012, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

BSC Members Present:

Jerry Ponzio
Cheryl Free
Greg Owens
Victor Drozd
Daryl Massey

Staff Members and Others:

Greg Cox, Chief Building Official
Martin Zimmermann, Planning Administrator
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Demond Oliver, Police Sergeant
Dawn Kaatz, Code Enforcement Officer
Sandra Willis, Code Enforcement Officer
Charmaine McKinzie, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairman Ponzio called the meeting to order at 6:07pm.

2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

3. APPROVAL OF MINUTES FROM THE REGULAR MEETING ON MARCH 26, 2012.

Commissioner Drozd moved to approve the regular meeting minutes of March 26, 2012. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

4. OPENING STATEMENT FROM THE CHAIR.

Chairman Ponzio read the opening statement.

5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).

l. Case # 1843 – 2201 Leonard Road #48

Owner: Sanchez, Asencion & Cresecon

Zeno Phillips League, Block 17, Lot 32 (TR-163), 13.553 acres, Bel Air MHP (Space #48)

Mr. Zimmermann, Planning Administrator, advised that there no longer is any action to take for the Commission regarding this item as the home has been removed from this property.

a. Case # 1821 – 2002 Newton Street

Owner: Betty Ayala Garcia & Roy Sanchez

Jones-Brock, Lot 5, Block H

Mr. Zimmermann advised that the Commission postponed a decision regarding this item during last month's meeting. Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 2, 4, 5, 7, and 9. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to demolish/remove the accessory structure(s) within 30 days, and demolish/remove or repair the main house within 90 days, in accordance with the schedule of repair. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. William Scazzero of 543 William D Fitch, College Station, Texas, stated that he is representing Roy Sanchez. Mr. Scazzero stated that Mr. Sanchez did furnish an estimate on the cost of the repair of the house to the Chief Building Official and that Mr. Sanchez and the Garcia's are currently in settlement negotiations regarding the ownership of the property.

Mr. Greg Cox, Chief Building Official, advised that a meeting between him and Mr. Sanchez is needed before a building permit could be issued so that there would be no misunderstandings with regard to the needed repairs on this property.. Mr. Cox reminded that the Garcia's had previously submitted their plans for a building permit, and that he was satisfied with their submittal and would be able to issue a building permit for repair if so ordered by the Commission and once the ownership situation has been established.

Ms. Mary Laura, of 1509 Anderson Street, Bryan, Texas, stated that she would be the one that would be funding the repairs of the house for her mother Ms. Betty Garcia.

Responding to a question from Commissioner Owens, Mr. Sanchez stated he is in agreement that the accessory structure needs to be demolished.

Responding to a question from Chairman Ponzio, Mr. Scazzero stated that he is almost certain that the ownership will be determined in 90 days, and Mr. Sanchez can have all the repairs complete in two weeks.

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to have ownership issue resolved and a building permit issued for repair of the main structure within 60 days, and to demolish the accessory structure within 30 days, and to appear at the next regularly scheduled meeting to demonstrate compliance with the time schedule. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed unanimously.

**f. Case # 1720 – 1800 South Texas Avenue
Owner: Home Suite Home Inns of America Inc % S Lakhani
Hillcrest, Block S, Lot 1-5 & Associated BPP**

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 2, 5, 7, and 8. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to vacate the structure within 30 days, and secure, demolish/remove the building and accessory structure within 60 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Art Hughes of 111 Ehlinger Drive, Bryan Texas, advised that he is here representing the owner,

Mr Shiraz Lakhani. Mr. Hughes stated that Mr. Lakhani has spent \$65,000 worth of renovations into the exterior, stairs, roof and the outside electrical of the motel, but very little work has been done to the interior of the rooms. Mr. Hughes stated that they have a plan, but would like to work on one structure at a time, and that the Mr. Lakhani is able to put in another \$65,000 into the project.

Responding to a question from Commissioner Drozd, Mr. Hughes stated he has no interest in the property and that he is just managing the construction.

Responding to a question from Commissioner Owens, Mr. Hughes stated that he is not aware of any mold issues.

Responding to a question from Commissioner Drozd, Mr. Hughes stated that the rooms are occupied now and that's why they would like to do one room at time, so they can move the resident to another building.

Responding to a question from Commissioner Ownes, Mr. Hughes stated that renovations would end up costing about \$3,100.00 per room

Bryan PD Sgt. Demond Oliver gave a presentation on the cost analysis and frequency of calls for service at this location

Mr. Shiraz Lakhani, of 2500 River Forest Drive, Bryan, Texas, stated that there has been a change of management at this motel and that they are trying to clean it up. Mr. Lakhani also stated that the Fire Department has not been called out for a fire at this location.

Chairman Ponzio closed the public hearing.

Commissioner Owens moved to accept staff's recommendation that the buildings are unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to have all units vacated in 30 days, and demolish/remove the buildings within 60 days or the City will demolish. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed unanimously.

h. Case # 1839 424 Palasota Drive
Owner: Pantoja, Alberto A & Maria
Lobello, Lot 3 & 4

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 2, and 6. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to, and secure, demolish/remove or repair the building within 180 days in accordance with the following time schedule:

Deadline

Task

30 Days

Submit Engineer's report on the foundation, wall bracing, and right side

wall that is out of plumb. Engineer's report should detail what repairs are needed.

If Engineer's report and plan for repairs is acceptable to city, then:

60 Days	Obtain new building permit to complete the addition. Obtain new electrical, plumbing, mechanical permits.
180 Days	Call all rough in and top out inspections and finish framing repairs. Insulate walls and call for inspections. Install topping slabs to slope garage floor towards main doors. Correct drainage issues around addition (may require removal and replacement of front driveway to divert drainage away from house and addition. Finish all work and call for all final inspections, electrical, mechanical, plumbing and building inspections. Obtain Certificate of Occupancy from city.

Staff further recommends that the Commission order the , owner, lienholder, or mortgagee to appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the proceeding orders have been fulfilled. Staff further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Larry A Berry, of 1811 Rose Street, Bryan, Texas, stated that he has visited the site but that he did not have enough time to write up a proposal for repairs.

Mr. Greg Cox advised that a building permit was issued to enclose the carport into a garage in 2009. The carport slab was approved, but during the electrical inspection, staff realized that the original permit issued did not cover a second floor living area. City staff placed a hold on the permit and inspections due to "unknown" foundation that the second floor addition partially bears on. Mr. Cox also advised that he is concerned with the slab on the right side as the load bearing wall there is not plumb.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove or repaired within 180 days in accordance with the schedule proposed by staff, and to appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the approved time schedule, until the preceding order has been fulfilled. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed unanimously.

i. Case # 1840 – 1700 Pecan Street

Owner: Hernandez, Raymundo & Maria Del Carmen
Woodlawn, Block 7, Lot 1 & 2

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 2, 6, and 8. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to, demolish/remove the addition to the manufactured home within 60 days, or obtain a building permit and convert the addition back to the original 24'X24' open carport originally permitted and inspected by the city in 2004 in accordance with the schedule provided, and to appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the proceeding orders have been fulfilled. Staff further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Ms. Samantha Hernandez, of 1700 Pecan, Bryan, Texas, interpreted for the owner Mr. Raymundo Hernandez. Mr. Hernandez advised that he wants to bring the addition up to code.

Mr. Greg Cox, advised that the City contacted the property owner in 2009 asking that the addition be removed or brought into code compliance and gave the property owner several options which included hiring an engineer to determine if what was built could be approved by the city. Mr. Cox stated that he met with an engineer hired by the owner in April 2010, and received a report. The report listed all that was wrong with the illegal building addition and needed corrected but did not specifically say that the foundation was adequate to support the loads. On April 13, 2012 Mr. Cox stated the City received an engineer's report from Gessner Engineering, the report does not show that the foundation is adequate.

Chairman Ponzio closed the public hearing

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to vacate the building within 7 days, and to demolish/remove the addition to the manufactured home within 60 days, or obtain a building permit and convert the addition back to the original 24'X24' open carport originally permitted and inspected by the city in 2004 in accordance with the following schedule:

<u>Deadline</u>	<u>Task</u>
7 Days	Obtain building permit to convert addition back to original 24'X24' 2004 carport.
60 Days	Remove all walls and repair roof/ceiling framing of original 24'X24' carport to meet city adopted codes.

Commissioner Drozd further moved that the owner, lienholder or mortgagee appear before the Commission at the July 2012 regular meeting to demonstrate compliance with the approved time schedule. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed unanimously.

- j. Case # 1841 – 3316 Judythe Drive**
Owner: Marino, Joe
Northwood PH 8A, block 16, Lot 19

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 1, 2, 4, 5, 6, 7, 8, and 9. Staff recommends that Commission issue an order to the owner, lienholder, or mortgagee to secure the building from unauthorized entry within 7 days, and demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Greg Cox advised the Commission that the property is for sale, and has an illegal carport that has been built in the front building setback and not to code. Mr. Cox also advised that staff has not been contacted by the property owner.

Responding to a question from Chairman Ponzio, Mr. Cox stated the house is not secured at this time.

Chairman Ponzio closed the public hearing.

Commissioner Owens moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to secure the structure within 7 days, and demolish/remove the building and accessory structure within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- k. Case # 1842 – 907 Acheson Street**
Owner: Portales, Manuel J
Oliver, Block 3, Lot 4

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 1, 2, 3, 5, 6, 7, 8,

and 9. Staff recommends that Commission issue an order to the owner, lienholder, or mortgagee to secure the building from unauthorized entry within 7 days, and demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Ms. Nora Portales of 907 Acheson, of Bryan, Texas, stated she agreed that the house needs to be demolished.

Chairman Ponzio closed the public hearing.

Commissioner Owens moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to secure the structure within 7 days, and demolish/remove the building within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

m. Case # 1844 – 1504 Pecan Street
Owner: Langston, Charles A & Katherine
Woodlawn, Block 5, Lot 3-4 & 25' of 2

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 1, 2, 3, 5, 6, 7, 8, and 9. Staff recommends that Commission issue an order to the owner, lienholder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Clarence Langston of 1501 Palasota Drive, Bryan, Texas, advised the Commission that his father has been sick, and he himself has removed all the debris out of the trailer, and believes it could be repaired.

Responding to a question from Commissioner Drozd, Mr. Langston stated that the home is secured.

Responding to a question from the Commission; Mr. Langston stated he thought it might cost \$1,500-\$1,800 to repair.

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove

the building within 30 days or the City will demolish. Commissioner Massey seconded the motion

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a vote of 4 in favor to 1 in opposition. Commissioner Owens cast the vote in opposition.

e. Case # 1829 – 606 West 17th Street

Owner: Mary Gatlin

City of Bryan Townsite, Block 203, Lot 1-2 & pts of 3 & 8-10 & pt of Alley

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection, 1, 2 ,5, 6, 7, 8, and 9. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to, repair the building within 365 days in accordance with the following time schedule:

<u>Deadline</u>	<u>Task</u>
60 days	Obtain building permit, install temporary electrical service, repair foundation (call for city inspections prior to covering work)
90 days	Finish framing repairs and roof repairs (call for city inspections prior to covering work)
180 days	Submit additional plans, estimates, and proposed use for city and commissioner's review.

Staff further recommends that the Commission order the, owner, lienholder, or mortgagee to appear before the Commission at the regularly scheduled meeting in September 2012 to demonstrate compliance with the time schedule. Staff further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Ms. Eva Read-Warden with the Arkitex Studio, of 308 N Bryan Ave, Bryan, Texas advised that she is representing the owner, Ms. Mary Gatlin. Ms. Read-Warden advised that the structure was built in about 1925 and is also known as the E.A. Kemp house and has been listed in the U.S. Department of the Interior's National Register of Historic Places database since 1987. Ms. Read-Warden also stated that they are planning to reinforce the foundation, add additional framing to the roof, and replace doors and windows. Ms. Read-Warden also stated that they want to make the structure safe.

Mr. Oliver Sadberry, of 808 E 22nd Street, Bryan, Texas, stated that he would like to see the house preserved because it has such significant history.

Ms. Mary Gatlin, of 5426 Dunsmere Street, Houston, Texas stated she would like to be allowed to maintain and preserve the house.

Commissioner Owens moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to repair within 365 days in accordance with the schedule proposed by staff, and to appear before the Commission at the regularly scheduled meeting in September 2012 to demonstrate compliance with the time schedule. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously

- b. Case # 1826 – 2312 Southside Drive**
Owner: Arturo and Ofelia Garcia
Margaret Wallace, Block 13, Lot 26 & pt of 25
- c. Case #1834 – 1410 San Jacinto Lane**
Owner: Mary Helen Sifuentez, etal
Oak Grove Park, Block 47, pts of lots 4 & 5
- d. Case # 1835 – 1408 San Jacinto Lane**
Owner: Roy Guerra
Oak Grove Park, Block 47, pts of Lots 4 & 5
- g. Case # 1827 – 401 Boulevard Street #A**
Owner: Texas LS Investments LLC
Oak Grove Park, Block 48, Lot 1
- n. Case # 1845 – 507 Palasota Drive #21**
Owner: Millsap, Jason C
Zeno Phillips, Block 17, Lot 25.1 (TR-88), 2.81 acres, Cedar Tree Acres MHP (Space #21)
- o. Case # 1847 – 1717 Groesbeck Street #94**
Owner: Casa, Victor S & Veronica
Zeno Phillips, Block 17, Lot 23 (TR-91), 11.59 acres, Krenek's MH (Space #94)

Commissioner Drozd moved to accept the City's recommendations for agenda items 6 c., d., n., and o. that these properties are a hazard to the health, safety and welfare of citizens and ordered that the structures be secured and demolished by the owners, lienholders, or mortgagees within 30 days, or the City will demolish.

Commissioner Drozd also moved that with regard to agenda item 6 b. that this property is a hazard to the health, safety and welfare of citizens and ordered that this structure be secured within 7 days and be repaired within 180 days, as recommended by staff and that the owner, lienholder or mortgagee appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the approved time schedule, until the order has been fulfilled.

Commissioner Drozd also moved that with regard to agenda item 6 g. that this property is a hazard to the health, safety and welfare of citizens and Commissioner ordered that the owner obtain a permit and demolish the structure and have all debris removed from the property within 30 days. Chairman Ponzio seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed unanimously.

7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).

- A. The next workshop meeting is scheduled for 12:00 Noon on Monday, May 14, 2012, in Room 305 on the third floor of the Bryan Municipal Office Building, 300 S. Texas Avenue.**
- B. There will be no regular meeting on Monday, May 28, 2012 (Memorial Day - City holiday).**
- C. The next regular meeting is scheduled for 6p.m. on Monday, June 25, 2012, in Council Chambers, Bryan Municipal Office Building, 300 S. Texas Avenue.**

Commissioners agreed that there would be no need for a workshop meeting in May. Mr. Zimmermann stated that there will be no regular meeting on Monday, May 28th, 2012 as it is a City holiday and advised that the next regular meeting will be on June 25, 2012.

8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).

There was none

9. ADJOURN.

Without objection Chairman Ponzio adjourned the meeting at 8:25pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the 25th day of **June, 2012.**

Jerry Ponzio, Chairperson
Building and Standards Commission
City of Bryan, Texas

Greg Cox, Chief Building Official and
Secretary to the Building and Standards
Commission